

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL RICHARD,

Plaintiff,

Case No. 1:07-cv-357

v.

Honorable Richard Alan Enslen

PATRICIA CARUSO et al.,

Defendants.

ORDER

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. On June 11, 2007, the Court entered an Opinion and Order denying Plaintiff leave to proceed *in forma pauperis* because he has “three strikes” within the meaning of 28 U.S.C. § 1915(g). Plaintiff filed a notice of appeal on August 6, 2007. He now brings a motion for a certificate of appealability. Under Rule 22 of the Federal Rules of Appellate Procedure, a petitioner appealing the denial of a habeas corpus petition brought pursuant to 28 U.S.C. § 2254 must apply to the district court for a certificate of appealability. 28 U.S.C. § 2253(c)(1); FED. R. APP. P. 22(b); *see also Kincade v. Sparkman*, 117 F.3d 949, 953 (6th Cir. 1997). This requirement applies only to habeas corpus actions, not civil rights actions. Plaintiff filed a civil rights action. Accordingly,

IT IS HEREBY ORDERED that Plaintiff’s Motion for Certificate of Appealability (Dkt. No. 8) is **DENIED** as inapposite.

DATED in Kalamazoo, MI:
September 24, 2007

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE